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Attorney's Docket No. FEM-0051

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: George M. Savage et al.

Conf. No.: 5169

Serial No.: 09/852,880

Art Unit: 3763

Filed: May 10, 2001

Examiner: Manuel A. Mendez

For: System for Fluid Retention Management

**CERTIFICATION UNDER (37 C.F.R. § 1.8(A))**

I hereby certify that, on the date shown below, this correspondence is being:

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Date: 11/09/2005

**Facsimile**

☐ transmitted by facsimile to the Patent and Trademark Office.

Signature: \_\_\_\_\_

Mail Stop Petition  
Commissioner for Patents  
Alexandria, VA 22313

RENEWED PETITION TO ACCEPT AN  
UNINTENTIONALLY DELAYED CLAIM OF PRIORITY

Dear Sir:

In response to the recent Decision on Petition Under 37 C.F.R. § 1.78(a)(3) in the above-referenced case, this is a Renewed Petition Under 37 C.F.R. § 1.78(a)(3) to correct an unintentionally delayed claim of priority. As indicated in the earlier filed Petition (the Original Petition), applicants' representative received the Notice of Allowance dated September 8, 2004, and while preparing to execute the Issue Fee noted an error in the priority claim.

Applicants hereby petition the Commissioner under 37 C.F.R. § 1.78(a)(3) and (4) to claim the benefit under 35 U.S.C. § 119(e) and 120 of earlier filed domestic applications.

The entire delay between the date the priority claim was due under paragraph §1.78(a)(2)(ii), four months from the actual filing date of this application (October 27, 2002) and this date was unintentional. When the current application was filed, priority was claimed to 09/454,878, filed on December 3, 1999, which is a division of

09/548,315, filed on November 1, 1995, now abandoned, and claiming the benefit of provisional application 60/006,408, filed on November 9, 1995, as indicated on the Transmittal Letter, the Declaration, and the Official Filing receipt, copies of which are attached hereto. Applicant unintentionally did not file a Preliminary Amendment to add the required related applications paragraph to the specification and did not notice the incomplete claim to domestic priority.

The correct claim of domestic priority is as follows:

This application is a divisional of US serial number 09/454,878, filed on December 3, 1999, now US patent 6,319,221, which is a divisional application of US serial number 09/068,059, filed on December 14, 1998, now US 6,238,366, which is the national filing of international application PCT/US96/17396, filed on October 31, 1996, which is the international PCT filing of, and claims priority to, both earlier filed US non-provisional application number 08/548,315, filed on November 1, 1995, now abandoned, and US provisional application 60/006,408, filed on November 9, 1995, now abandoned.

As stated above, Applicant's representative first became aware of the need to add the Cross-Reference to Related Applications paragraph claiming priority while reviewing the Notice of Allowance and promptly filed the original Petition. This Renewed Petition follows receipt of the Decision to Dismiss the Original Petition on the basis that the relationship between international application PCT/US96/17396 and earlier filed US Non-Provisional application number 08/548,315 had not been clearly specified. In response, the amended benefit claim as set forth in this Renewed Petition clearly recites "... international application PCT/US96/17396, filed on October 31, 1996, *which is the international PCT filing of, and claims priority to, both earlier filed US non-provisional application number 08/548,315, filed on November 1, 1995, now abandoned, and US provisional application 60/006,408, filed on November 9, 1005, now abandoned.*"

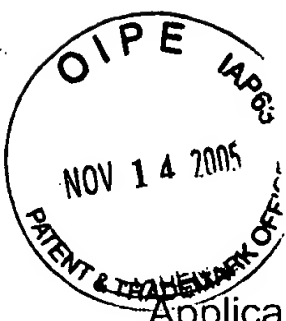
Applicants attach an Amendment to add a "Cross Reference to Related Cases" section to the specification to correct the priority. Please charge the surcharge set forth in 37 CFR § 1.17(t) of \$1330.00 to Deposit Account 10-0750/FEM51/MJS and any additional surcharge or fee that is required in connection with this petition.

Please contact me if any further information is required at the number below.

Respectfully submitted,

By \_\_\_\_/Melissa J. Szanto/\_\_\_\_\_  
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Dated: November 9, 2005



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☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Alexandria, VA 22313.

Date: 11/10/04

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☐ transmitted by facsimile to the Patent and Trademark Office.

Signature: \_\_\_\_\_

Mail Stop Petition  
Assistant Commissioner for Patents  
Alexandria, VA 22313

PETITION TO ACCEPT AN  
UNINTENTIONALLY DELAYED CLAIM OF PRIORITY

Dear Sir:

This is a Petition to correct an unintentionally delayed claim of priority in the above-pending application. Applicants' representative received the Notice of Allowance dated September 8, 2004, and while preparing to execute the Issue Fee, noted an error in the priority claim.

Applicants hereby petitions the Commissioner under 37 C.F.R. § 1.78(a)(3) and (4) to claim the benefit under 35 U.S.C. § 119(e) and 120 of earlier filed domestic applications.

The entire delay between the date the priority claim was due under paragraph §1.78(a)(2)(ii), four months from the actual filing date of this application (October 27, 2002) and this date was unintentional. When the current application was filed, priority was claimed to 09/454,878, filed on December 3, 1999, which is a division of 09/548,315, filed on November 1, 1995, now abandoned, and claiming the benefit of provisional application 60/006,408, filed on November 9, 1995, as indicated on the

Transmittal Letter, copy of the Déclaration and the Official Filing receipt, copies of which are attached as Appendix A. Applicant unintentionally did not file a Preliminary Amendment to add the required related application's paragraph to the specification and did not notice the incomplete claim to domestic priority.

The claim of domestic priority is as follows:

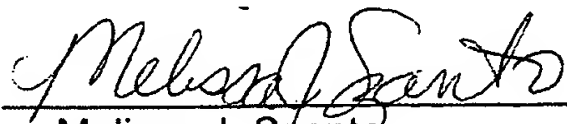
This application is a divisional of US serial number 09/454,878, filed on December 3, 1999, now US patent 6,319,221, which is a divisional application of US serial number 09/068,059, filed on December 14, 1998, now US 6,238,366, which is the national filing of international application PCT/US96/17396, filed on October 31, 1996, which claims priority of US application number 08/548,315, filed on November 1, 1995, now abandoned, and US provisional application 60/006,408, filed on November 9, 1995, now abandoned.

As stated above, Applicant's representative first became aware of the need to add the Cross-Reference to Related Applications paragraph claiming priority while reviewing the Notice of Allowance and promptly filed this Petition.

Applicants attach an Amendment to add a related cases section to the specification to correct the priority. Please charge the surcharge set forth in 37 CFR § 1.17(t) of \$1330.00 to Deposit Account 10-0750/FEM51/MJS and any additional surcharge or fee that is required in connection with this petition.

Please contact me if any further information is required at the number below.

Respectfully submitted,

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